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13/126,552	06/29/2011	So Yeon Kim	0465-2848PUS1	4135

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Birch, Stewart, Kolasch & Birch, LLP  
P.O. Box 747  
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EXAMINER
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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* SO YEON KIM, JAE HOON CHUNG,  
YEONG HYEON KWON, SEUNG HEE HAN,  
and MOON LEE II

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Appeal 2015-002225  
Application 13/126,552  
Technology Center 2400

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Before ELENi MANTIS MERCADER, JOHNNY A. KUMAR, and  
BETH Z. SHAW, *Administrative Patent Judges*.

KUMAR, *Administrative Patent Judge*.

DECISION ON APPEAL<sup>1</sup>

This is a decision on appeal under 35 U.S.C. § 134(a) of the  
Examiner's Final Rejection of claims 14, 16–19, 22–25, 27, 29, and 30.

We reverse.

INVENTION

Claim 14 is illustrative of the invention and reproduced below:

14. A method for transmitting data by a user equipment (UE)  
in a wireless access system supporting multi-carriers, the  
method comprising:

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<sup>1</sup> An oral hearing was held on January 9, 2017.

receiving an uplink (UL) grant information for a first UL component carrier (CC) from a base station (BS) through a first downlink (DL) CC among a plurality of DL CCs, wherein the first UL CC is linked with a second DL CC other than the first DL CC;

transmitting UL data to the BS through UL resources of the first UL CC indicated by the UL grant information; and

receiving, from the base station and through the first DL CC through which the UL grant information was received, feedback information indicating a reception status of the transmitted UL data,

wherein the first DL CC among the plurality of DL CCs is specified as a DL CC for receiving the feedback information.

#### REJECTIONS AT ISSUE

Claims 14, 16, 18, 19, 22, 24, 25, 27, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bala (US 2010/0227569 A1, Sept. 9, 2010) in view of Pelletier (US 2009/0300456 A1, Dec. 3, 2009), further in view of Lindoff (US 8,699,467 B2, Apr. 15, 2014). Final Act. 4–13.

Claims 17, 23, and 30 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bala in view of Pelletier, further in view of Maeda (US 2010/0178895 A1, July 15, 2010). Final Act. 13–15.<sup>2</sup>

#### ANALYSIS

We have reviewed Appellants' arguments in the Briefs, the Examiner's rejection, and the Examiner's response to the Appellants'

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<sup>2</sup> Throughout this opinion we refer to the Final Office Action mailed May 5, 2014, the Appeal Brief filed August 12, 2014, the Examiner's Answer mailed on September 24, 2014, and the Reply Brief filed November 24, 2014.

arguments. Appellants' arguments have persuaded us of error in the Examiner's rejection of independent claim 14 under 35 U.S.C. § 103(a).

The dispositive issue presented by Appellants' arguments is whether the Examiner erred in finding the combination of Bala, Pelletier, and Lindoff teaches or suggests "receiving, from the base station and through the first DL CC through which the UL grant information was received, feedback information indicating a reception status of the transmitted UL data," as recited in claim 14, and similarly recited in independent claims 18 and 25.

In particular, Appellants contend "Pelletier does not disclose feedback information for uplink data transmission." Reply Br. 3 (emphasis omitted). Appellants also contend "Pelletier teaches transmitting feedback from a UE to a BS, whereas claim 14 is directed to a UE receiving feedback information from a BS." *Id.* at 4.

In response to Appellants' arguments, the Examiner finds that Pelletier "in paragraph[0060], as shown in FIG. 7, teaches when a NACK is received from WTRU (UE) by the BS, the BS using HARQ #1 *retransmits the information* using carrier A." Answer 5 (emphasis ours). We disagree with the Examiner's finding because retransmission of information does not teach or suggest feedback information indicating a reception status of the transmitted UL data. The Examiner has not made a finding that the additional references provide teachings that make up for the deficiency in the rejection of claim 14, and thus, we are constrained by the record before us to reverse the Examiner's rejection of independent claims 14, 18, and 25, and dependent claims 16, 17, 19, 22–24, 27, 29, and 30.

Appeal 2015-002225  
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DECISION

The decision of the Examiner to reject claims 14, 16–19, 22–25, 27, 29, and 30 is reversed.

REVERSED